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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

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7 HENRIQUE LA VALLE DA SILVA
8 FARIA,

9 Plaintiff,

10 v.

11 REGENTS OF THE UNIVERSITY OF
12 CALIFORNIA,

13 Defendant.

Case No. 19-cv-08388-PJH

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ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
VOLUNTARY DISMISSAL

Re: Dkt. No. 15

The court is in receipt of plaintiff's unopposed motion for dismissal of his complaint without prejudice. Dkt. 15. In it, plaintiff acknowledges defendant's contention that the Eleventh Amendment bars his claims from being litigated in this court, *id.* ¶ 2, and requests dismissal under Rule 41(a)(2) so that he may refile them in Alameda County Superior Court, *id.* ¶ 6. Plaintiff represents that counsel for defendant stated that defendant would not object to this motion and attaches an email from defense counsel substantiating that statement. Dkt. 15-1 at 7.

Good cause appearing, the court hereby **GRANTS** plaintiff's motion to dismiss his complaint without prejudice pursuant to Rule 41(a)(2). This order is similarly without prejudice to any rights otherwise available to defendant in any forum that plaintiff may subsequently refile his claims.

IT IS SO ORDERED.

Dated: February 26, 2020

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON
United States District Judge